
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JILLANE L. POPE,

Plaintiff,

v.

WELLS FARGO BANK and JP MORGAN
CHASE BANK & COMPANY,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING IN FULL REPORT
AND RECOMMENDATION**

Case No. 2:23-cv-00086-JNP-DBP

District Judge Jill N. Parrish

Plaintiff Jillane L. Pope, a victim of elder fraud, filed a pro se action against Defendants Wells Fargo Bank (where she had an account) and Chase Bank (where her scammer had an account). Her complaint was referred to Magistrate Judge Pead under 28 U.S.C. § 636(b)(1)(B). The Banks moved to dismiss the complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim, and Pope timely responded to the motion. On December 27, 2023, Judge Pead issued a report and recommendation that the motion to dismiss be granted. Pope did not file any objections to the report and recommendation, and the court adopted it in full, dismissing Pope's claims without prejudice.

Pope subsequently filed a motion to reopen her case, attributing her failure to file any objections to her contention that she never received notice of the December 2023 report and recommendation. The court granted her motion, vacated its earlier memorandum decision and order adopting in full Judge Pead's December 2023 report and recommendation (along with the accompanying judgment dismissing Pope's claims), and ordered Pope to timely file any objections to the December 2023 report and recommendation. The court explained that if Pope did not timely

file objections, the court would reinstate its earlier memorandum decision and order and accompanying judgment with one change: the court would dismiss her claims with prejudice, precluding further litigation of the claims at issue in this action.

Pope has not timely filed objections to the December 2023 report and recommendation. She has instead filed an amended complaint, which does not function as an objection to the report and recommendation. Therefore, the court reinstates its earlier memorandum decision and order adopting Judge Pead's December 2023 report and recommendation, and dismisses Pope's claims with prejudice.

The court **ORDERS** as follows:

1. The December 2023 report and recommendation, ECF No. 31, is **ADOPTED IN FULL**.
2. JP Morgan Chase Bank's motion to dismiss, ECF No. 22, is **GRANTED**, and Pope's claims against JPMorgan Chase Bank are **DISMISSED** with prejudice.
3. Wells Fargo Bank's motion to dismiss, ECF No. 25, is **GRANTED**, and Pope's claims against Wells Fargo Bank, N.A. are **DISMISSED** with prejudice.

Signed February 18, 2025.

BY THE COURT



Jill N. Parrish
United States District Court Judge